

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 24-03073-01-CR-S-BCW
)
)
SHAWN O. BELL,)
)
Defendant.)

ORDER

Before the Court is Defendant’s “Motion to Dismiss Indictment as Defective” received by the Court on April 14, 2025. (Doc. 50.) Defendant, who represents himself in this action, is currently detained at the Phelps County Jail and is awaiting trial. He moves to “dismiss this Indictment due to various deficiency and defects.” *Id.* at 1. Specifically, Defendant challenges search warrants issued in November 2022. *Id.* at 3-4. He also alleges this is a “vindictive prosecution.” *Id.* at 4-5.

Fed. R. Crim. P. 12(b)(3) sets forth defenses, objections, and requests that “must be raised by pretrial motion if the basis for the motion is then reasonably available and the motion can be determined without a trial on the merits.” The court may set a deadline for pretrial motions. Fed. R. Crim. P. 12(c). In this matter, on August 13, 2024, Defendant appeared for arraignment and the undersigned issued a Scheduling and Trial Order which set a clear and unambiguous deadline of September 12, 2024, for any relevant pretrial motions. (Doc. 12.) Thereafter, defense counsel moved for and was granted an extension of time, to October 4, 2024, to file any relevant pretrial motions. (Docs. 18-19.) No further extensions of time were requested or granted. As a result, Defendant’s “Motion to Dismiss Indictment as Defective” was filed over six months after the October 4, 2024, deadline to do so expired.

Therefore, Defendant's "Motion to Dismiss Indictment as Defective" (doc. 50) is **DENIED without prejudice**, as it was filed out of time and without leave to do so. This action remains set for trial on the Joint Criminal Trial Docket commencing on June 2, 2025. The Clerk's Office is directed to send a copy of this Order via regular mail to Defendant.

IT IS SO ORDERED.

/s/ David P. Rush
DAVID P. RUSH
UNITED STATES MAGISTRATE JUDGE

DATE: April 15, 2025